

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RAMPARTS, INC., a Nevada Corporation,
d/b/a Luxor Hotel and Casino,

Plaintiff,

vs.

FIREMAN'S FUND INSURANCE
COMPANY, a California Corporation; THE
AMERICAN INSURANCE COMPANY, an
unknown entity,

Defendants.

Case No.: 2:09-cv-00371-RLH-LRL

***NUNC PRO TUNC* CORRECTION**

OF JUDGMENT #116

On June 6, 2011, the Clerk of Court entered Judgment (#116) in favor of Plaintiffs Ramparts, Inc. d/b/a Luxor Hotel and Casino and against Defendants The American Insurance Company and Fireman's Fund Insurance Company in the amount of \$1,200,000.00. The Court now issues this *nunc pro tunc* correction of judgment for the limited purpose of making the record reflect what the evidence established at trial and what the Court actually intended to do. *See In re Warren*, 568 F.3d 1113, 1116 n.1 (9th Cir. 2009). Specifically, because this Court disposed of Plaintiff's claims against Defendant Fireman's Fund Insurance Company on summary judgment, the Clerk of Court should not have entered judgment against it. In addition, because it is the law of this case that the "Property of Others" clause in the American Insurance policy has a \$50,000.00 sublimit, the Court must reduce the \$1,200,000.00 judgment to \$50,000.

1 WHEREAS, pursuant to the jury trial held from May 23, 2011, to May 26, 2011,
2 the jury awarded Plaintiff Ramparts, Inc., \$1,200,000.00 in property damage;

3 WHEREAS it is the law of this case that there is a policy sublimit of \$50,000 for
4 damage to property of others, any award in excess of that limit is to be reduced to the policy limit;
5 and,

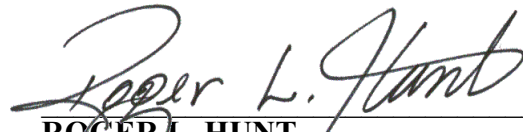
6 WHEREAS the Court disposed of Plaintiff's claims against Defendant Fireman's
7 Fund Insurance Company on summary judgment.

8 Accordingly, and for good cause appearing,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the June 6, 2011,
10 Judgment (#116) is amended as follows:

11 Judgment is entered in favor of the Plaintiff Ramparts, Inc. d/b/a Luxor Hotel and
12 Casino and against Defendant The American Insurance Company for property
damage in the amount of \$50,000.00.

13 Dated: June 10, 2011

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15 **ROGER L. HUNT**
16 **United States District Judge**
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